

(original)

1983 Form

In the United States District Court
For the Middle District of Alabama

2008 MAR 17 A 8:52

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Paul Harold Smith 161990Lon Lamar Fann 233729Christopher David Lee 191746Robert Donald Duck Jr 238080

(Enter above the full name(s) of the
plaintiff(s) in this action)

2:08-cv-184-MEF

Bob Riley, Governor of AlabamaTroy King, Ala. Attorney GeneralAla. Dept. of Public Safety

(Enter above full name(s) of the
defendant(s) in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (☒)
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): _____

Defendant(s) _____

2. Court (if Federal Court, name the district; if State Court, name the county)

3. Docket Number _____

4. Name of judge to whom case was assigned _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

II. Place of present confinement Bibb Co. Correctional Facility 565 Bibb Ln. Brant, AL.

A. Is there a prisoner grievance procedure in this institution?

Yes () No (☒)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes () No (☒)

C. If your answer is YES:

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not? _____

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Paul Harold Smith - Lewis Lamar Farr -
Christopher David Lee - Robert Donald Duck Jr.

Address All plaintiffs are incarcerated at Bibb Co. Corr. Fac. 565 Bibb Ln.
Brant AL. 35034

In item B. below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

- B. Defendant Bob Riley
 is employed as Governor of Alabama
 at 600 Dexter Ave. Montg., Al. 36130
- C. Additional Defendants Troy King, Alabama Attorney General - Office of the
Attorney General 11 So. Union St. Montg., Al. 36130-0152
Ala. Dept. of Public Safety, 301 So. Ripley St. P.O. Box 1511 Montg.,
Al. 36130.

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet, if necessary.

This is a Civil Rights Action challenging the constitutionality of the
Alabama Community Notification Act.

I, Paul Harold Smith, was convicted in 1990 of a sex offense
in Montgomery Co. Alabama. In 1996 or thereabouts Alabama enacted
CNA. This enactment and the subsequent enforcement of the laws
related to this Act, and the application of the laws related to this
Act to myself and others similarly situated encroach upon plaintiff's
Constitutional Rights in the following ways:

1. CNA of Alabama violates the Bill of Attainder Clause
of The United States Constitution. — CNA is a legislative
exercise of the judicial function in that it embodies a legislative
determination that those affected by it are mentally ill and dangerous
and as a result
(Statement of Claim Continued)

Continued

V. RELIEF

State briefly *exactly* what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiffs are asking for the following relief: (1) An order from this Honorable Court directing the defendants to provide hearings in the proper tribunal for persons affected by CNA. (2) An order from this Honorable Court that the employment restrictions of CNA are so harsh that they fall within the parameters of prohibited under the Bill of Attainder Clause.

3. An order from this Honorable Court that the State of Alabama

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-12-08
(date)

Paul R. Smith 161990
Christopher J. Smith #233729
Christopher David Lee 191746
Robert Donald Duck Jr. 238080

Signature(s)

(Relief Continued)

has created a statute (CNA) which has the effect of imposing and causing public humiliation and shaming. - An order from this Honorable Court that CNA of "Alabama" transcends the boundaries of Ex Post Facto Laws.

4. An order from this Honorable Court directing the defendants to put in place such procedural that are required for Civil Commitment Statutes before applying CNA, to persons the State wishes to reach with this statute.

5. An order from this Honorable Court directing the defendants to nullify or discontinue the presumption mental illness that the duration (lifetime) of CNA is predicated upon and allow persons affected by this statute the same opportunity to apply for release that those persons subjected to similar Mental Health Statutes / Civil Commitment Statutes are afforded.

6. An order from this Honorable Court that CNA of Alabama is so restrictive in nature that it creates a Special Relationship between the persons affected and the State to the extent that the State is rendered obligatory to provide such services as would enable those who are financially unable to comply.

7. Any and all other relief that this Honorable Court deems is just and proper under the premises.

of this determination also imposes an "Order of Conditions" which is the factual equivalent in purpose as the Order of Conditions imposed upon those who are subject to the recognized Civil Commitment Statutes. This violates the Separation of Powers Doctrine of Constitutional Law.

2. CNA of Alabama violates the Ex Post Facto Clause of The United States Constitution. — Because of the manner in which Alabama applies CNA, plaintiffs are exposed to State promoted public humiliation and shaming.

3. Because of the restrictions on Plaintiffs' employment opportunities CNA violates the Bill of Attainder Clause.

4. CNA of Alabama violates the Due Process Clauses of the United States Constitution. — CNA is essentially a Civil Commitment Statute which is being inappropriately applied through the criminal justice system which allows the State to circumvent the procedural protections that such statutes require.

5. CNA of Alabama violates the Equal Protection Clause of The United States Constitution. — CNA is a Civil Commitment Statute which is applied arbitrarily. Not only is CNA predicated upon a presumption of continued mental illness, but it also has no provision for release from the Conditions it imposes.

6. CNA of Alabama violates the Substantive Component of the 14th Amendment's Due Process Clause. — Because of the severity of the restrictions imposed by CNA, the State of Alabama has created a statute which renders those affected by it unable to care for themselves and has therefore created a Special Relationship which the State refuses to recognize.

Paul Smith 161990

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Office of The Clerk

United States District Court
Middle District of AL,
Po Box 711

Montg; 36101-0711